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A NEWSLETTER PROVIDED BY THE LAW PRACTICE MANAGEMENT PROGRAM OF THE STATE BAR OF TEXAS

THE TECHNOLOGY ROUNDUP

Gerry Morris, J.D.

Converting Documents to Adobe PDF Format

The majority of my federal practice is in the Western District of Texas. That district, as do many others, now requires that almost all documents filed with the clerk's office be filed through the CM/ECF system. The documents must be uploaded into the system in PDF format (Adobe Portable Document Format).



The system is a wonderful innovation. When a document is filed, counsel for all parties who have entered an appearance in the case (also done by ECF) almost instantly receive an email notifying them that the document has been filed and providing a link to click that will bring up the document on their computer screen in PDF format so that it may be viewed and saved to their local system. Thankfully, gone are the days in my office of mailing via certified mail every document filed in a case to every other party.

I began this article with a brief description of the CM/ECF system to make a point. If you don't currently have a means of converting your documents to the Adobe Acrobat PDF format, sooner or later you will have to get one if you file documents in court. The CM/ECF system works so well and saves so much time and resources eventually electronic filing will be universal. Also, the PDF format is the near universal format in which documents are transmitted as email attachments. The format is used because just about every computer has the freeware Adobe

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THE COACH'S CORNER

Debra Bruce, J.D.

Avoiding the Commoditization of Your Law Practice

My last article about some of the potential ramifications of law firms going public generated quite a number of reader responses. Thanks to each of you for sharing your thoughts with me.



One email asked a question that intrigued me. The reader asked how he could keep his law practice from becoming commoditized. Both small and large law firms should be asking themselves that, because the tide has already turned toward the commoditization of many legal services.

What are commodity legal services? Generally legal services that involve routine and predictable legal issues that can be systematized into forms and processes. They don't involve complex legal issues, or the issues have already been addressed with such frequency and regularity that they have become routine. Often each individual claim or matter involves a relatively small amount of money at risk, necessitating an inexpensive process or the economies of large volume. Through the use of questionnaires, checklists, decision trees, step-by-step instructions, standard processes and similar methods, technology enables rapid and cheap production of the relevant legal advice and documentation.

Examples of types of legal work that have already become commoditized in many respects include: mortgage lending, wills and trusts, incorporations, uncontested divorces, debt collection, consumer bankruptcies, loan documentation, equipment leasing, bond offerings, regulatory approvals, workers compensation claims, tenant leasing and eviction, foreclosures, immigration, patent prosecution, contract review, product liability litigation, slip and fall personal injury litigation, insurance defense, and certain misdemeanor criminal cases.

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The Practice Manager
is a newsletter published by
the
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of the State Bar of Texas.
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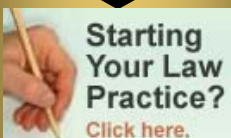
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peer-related
resources available
to aid you in starting
your law practice



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Acrobat Reader installed. If it's not installed, it's easy to find on the Web.

Adobe came up with a brilliant plan to make its Portable Document Format the standard for use with electronically transmitted documents. By making the reader free and widely accessible, Adobe made sure that the recipient of a PDF document wouldn't need to buy software to read a document. If the recipient doesn't already have the reader it can be downloaded from a number of sites including this one: www.adobe.com. Most of the forms downloadable from web sites are in the PDF format and many of the sites have a link to a site to obtain the reader if you don't have it.

Obtaining and using the Acrobat Reader is pretty routine stuff at this point. But, the Reader won't create documents in PDF format. In order to do that you need to acquire additional software.

Of course, you can purchase Adobe Acrobat Professional Version 8 for about \$500 and have the state of the art in Portable Document Format document creation including form creation, digital signing, collaboration and some feature that would be nice if you are working with autoCAD images. For about \$300, you can get Acrobat Standard Version that leaves off the form creation tools but still has many of the features of the Professional version. However, if all you want to do is create simple PDF documents for electronic document filing and general use you might be interested in some lower price alternatives.

First of all, if your scanner came with Paperport, you probably have the capability to create PDF documents already. Paperport's basic PDF tools allow you to print any document to a PDF image. The basic printer driver does not, however, create a searchable PDF file. That means that the file is saved to the PDF document like a picture rather than a text document. Searchable documents are nice and are required in some contexts. Where the document is being created from a Word or other word processing document the original is already in text format so a PDF conversion program with text capabilities can readily convert the document without having to utilize optical character recognition.

One program that works well to create both

searchable and image file PDF files is Nuance Software's PDF Converter Professional 4. The program comes packaged with Paperport 11 Professional Edition or can be purchased standalone for about \$100 from the Nuance web site, or about \$80 elsewhere on the web. The program easily performs conversions of documents from word processor software to searchable PDF files. It places a toolbar on the Microsoft Word toolbar area with buttons for conversion and emailing.

PDF Converter also adds a new menu option when right clicking on a file or group of files in Windows Explorer. One or more files can be selected and then converted to PDF directly from Explorer. There are several options available on the menu and more appear as the program begins to operate. One handy feature is the ability to combine several files into one PDF document. For instance when a client emailed me a multipage document scanned one page at a time into gif format, I was able to save all twelve files, each containing a single page, by selecting them all and converting them into a single PDF document containing all the pages. When sending multiple documents as attachments to an email message, I quickly combine all the documents into one PDF file which makes the attachment much easier to manage.

As still another alternative you might try one of the dozens of freeware or shareware programs available for conversion of files to PDF. There are so many of them I can't begin to wade through them and compare features. As I've done for years when looking for freeware or shareware I went to www.tucows.com. This site contains thousands of shareware programs organized by platform and use category. The programs are rated by user satisfaction as well as by the Tucows staff. My experience has been that if you stick with a staff approval of five (the highest rating) the software is a pretty good bet.

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PARALEGAL ETHICS HANDBOOK

A New and Essential Resource Covering Paralegal Ethics
in All 50 States, Washington DC, and Covering 17 Practice Areas

Answers to Many Ethics Questions from Expert Authors



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Laurie L. Borski



Rhonda J. Brashears, CP



Debra Crosby



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The *Paralegal Ethics Handbook* is an essential resource for experienced paralegals, those new to the profession, and the attorneys working with their paralegal colleagues. The Handbook is also a quick and easy to use classroom reference for paralegal educators.

This Handbook includes:

- State-specific rules and regulations for all 50 states including Washington DC.
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- How to determine whether an action may be an ethical violation.
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The *Paralegal Ethics Handbook* on sale for \$49 will be available in late August. A special price of \$39 is available exclusively for members of the Paralegal Division of the State Bar of Texas.*

Call 1-800-308-1700 or email us at west.legalworkspublications@thomson.com.

*Offer ends October 31, 2007.

Commoditization is not all bad. In an era of astronomical legal fees, commoditization keeps some legal representation within the reach of the middle class, if not the lower economic groups, and gives businesses a better chance to react with the lightening speed often required in today's world. It provides predictability in legal costs, something both individual consumers and Fortune 500 companies strive for.

Many tech savvy small firm lawyers, as well as big firms with IT budgets, have developed profitable high volume practices using the internet, data processors, paralegals, junior lawyers, contract attorneys, or out-sourced offshore attorneys. Low tech lawyers in the fields listed above may want to accelerate their retirement planning, as their profitability and volume will dwindle steadily in the next few years. If you don't want to compete with the Wal-Mart of legal services one day, you need a plan.

Here are some things you can do to differentiate yourself from the competition and avoid a practice in which the business goes to the lowest bidder.

1. **Develop the expertise and reputation to attract matters involving big dollars and bet-the-company issues.** That requires wisdom, depth of expertise, and good judgment, not just legal skill.
2. **Develop extensive knowledge and connections in a particular client industry so that your expertise has value beyond mere legal issues.** Transform your services from a cost hitting the bottom line to a cost-saver or even a revenue generator due to your innovative advice and valuable introductions to your clients.
3. **Carve out a niche practice with specialized knowledge of your target client community and the legal and business issues that they face.** The niche market might be based on the clients' gender, age, religion, ethnicity, location, income, language, or lifestyle.
4. **Move to a smaller town where legal services are not as readily available and relationships are easier to develop.**
5. **Differentiate your firm by the manner in which services are delivered. Give extraordinary personal service.** Focus on the experience you create for your clients. Offer something uncommon like "divorce with a woman's caring touch" or house calls for will preparation. Follow the examples of Ritz-Carlton Hotels, Nordstrom, Lexus and Whole Foods Market. Each of those companies created success in very competitive markets by targeting the concerns of a wealthy clientele willing to pay more for pampering and superior quality.
6. **Practice in a field that requires a lot of creativity and innovation or in a highly complex field requiring multi-disciplinary intelligence and years of experience.** Fields that come to mind include prosecuting nanotechnology patents, developing international corporate tax strategies or structuring cutting edge financial instruments. Practices that can't be systematized

don't become commoditized.

7. **Become a trusted advisor.** Be the lawyer who demonstrates care and concern coupled with objectivity and insight. Understand the personal needs as well as the business needs of your clients. Be a ready resource for advice, information, connections, introductions, sympathy and understanding.

As you look at these ideas for avoiding commoditization, you may notice that many of them focus more on how you view and interact with your clients than on the actual areas of law that you practice. As the number of lawyers increases, and therefore competition increases, the most straight-forward way to avoid the commoditization of your practice requires you to (i) identify a specific target market, (ii) understand the constituents of that market well, and (iii) give them what they most want and need, which may have as much to do with comfort as it does legal advice. If, on the other hand, you prefer to view yourself strictly as a provider of legal services, get ready for the coming days of price competition with the masses.

Debra Bruce (www.lawyer-coach.com) practice law for 18 years, before becoming a professionally trained Executive Coach for lawyers. She is Vice Chair of the Law Practice Management Committee of the State Bar of Texas, and board member and past leader of Houston Coaches Network, the Houston Chapter of the International Coach Federation. She welcomes your questions and comments at debra@lawyer-coach.com.

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One PDF conversion program that looks interesting is PDFill PDF Editor. This software received a rating of five from both the Tucows staff and users. What is interesting about the program is that, in addition to document conversion it also purports to have the capability to make fill in the blank forms. The program also had annotation capabilities and many other features found in Adobe Acrobat Professional addition. The price is about \$20.00 and there is a free trial version available. Go to the tucows site and type "PDF convert" in the search box. This program and several others will appear in the list. I plan to give it a try.

E. G. "Gerry" Morris is a solo practitioner and has practiced law for over 28 years in Austin, Texas. He is certified as a Criminal Law Specialist by the Texas Board of Legal Specialization. His firm web site is at www.egmlaw.com. Email your comments and questions to Gerry at tech@egmlaw.com.

Upcoming Events

Perfecting Your Estate Planning and Probate Practice is scheduled for video replay in Dallas August 28, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=6990>

Perfecting Your Estate Planning and Probate Practice is scheduled for video replay in Houston September 4, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=6989>

Disaster Preparedness is scheduled live in San Antonio September 5, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=7273>

Legal Support Staff Training Seminar (No MCLE) is scheduled live in Laredo September 12, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit:

<http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=7274>

Legal Support Staff Training Seminar (No MCLE) is scheduled live in Lubbock September 26, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit: <http://www.texasbarcle.com/CLE/AABuy0.asp?sProductType=EV&IID=7341>

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Law Practice Management Webcasts

Closing Your Law Practice is scheduled for August 23, 2007. For more information or to register, call 800-204-2222, ext. 1574 or visit: <http://www.texasbarcle.com/CLE/AABuy1.asp?sProductType=EV&IID=7339>

Planning to retire from your law practice? It is not just a matter of shutting the door and walking away. The client's interests need to be protected when it comes to files and ongoing engagements. Have you checked out malpractice coverage for 'after' the last day in the office? See which aspects of retirement need to be addressed and considered.

Faculty:

James E. Brill, Attorney at Law, Houston

Gisela Bradley, Law Practice Management Consulting, Austin

Law Practice Management Special Offers

Books of the Month

Information Security for Lawyers and Law Firms

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Written for lawyers and law firms, this book provides sound advice and offers valuable guidelines and assistance to bridge the worlds of law and technology on important information security issues that face the legal professional every day.

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